

REMARKS

Entry of the foregoing amendment is respectfully requested under 37 C.F.R. 51.312 in order to delete a redundant phrase from claim 5.

Claims 2-3, 5-10, 12, 15-17, and 25-26 stand allowed, as stated in the Notice of Allowance mailed May 6, 2002. The issue fee is due by August 6, 2002, and has not yet been paid.

Prior to this amendment, claim 5 recited a method for inducing an anti-tumor response in a patient by administering (emphasis added):

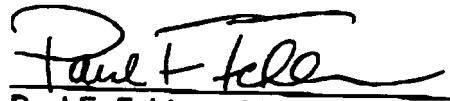
a composition comprising a tumor cell or tumor cell extract with an adjuvant, ... wherein the composition, when administered with the adjuvant, elicits an anti-tumor response.

Accordingly, the composition used in the method of the present invention comprises an adjuvant, as recited in the first part of the claim. The recitation in the second part of the claim, "when administered with an adjuvant", is therefore redundant. With this amendment, this redundant phrase has been deleted from claim 5.

This amendment does not change the scope of the claims, does not add new matter, and does not involve any substantial additional work by the Patent and Trademark Office.

An early and favorable action is earnestly requested.

Respectfully submitted,



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Serial No. 09/304,859
Amendment After Allowance Under 37 C.F.R. 1.312

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PATENT TRADEMARK OFFICE

Docket No: 1225/1E251US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Berd

Serial No.: 09/304,859

Art Unit: 1642

Confirmation No.: 1252

Filed: May 4, 1999

Examiner: J. Hunt

For: COMPOSITION COMPRISING TUMOR CELL AND EXTRACTS AND METHOD OF
USING THEREOF

MARK-UP VERSION FOR AMENDMENT UNDER 37 C.F.R. §1.312

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

July 2, 2002

IN THE CLAIMS:

5. (Three times amended) A method for inducing an anti-tumor response in a mammalian patient suffering from a tumor, which method comprises administering to said patient a composition comprising a tumor cell or tumor cell extract with an adjuvant, wherein the tumor cell or tumor cell extract is:

- (i) conjugated to a hapten;
 - (ii) of the same tumor type as the patient's tumor;
 - (iii) not allogeneic to said patient; and
 - (iv) incapable of growing in the body of the patient after injection;
- and repeating said administration at weekly intervals,

wherein a therapeutically effective amount of cyclophosphamide is administered only prior to the first administration of the composition, wherein the patient is not sensitized to the hapten prior to administration of the composition, and wherein the composition[, when administered with the adjuvant,] elicits an anti-tumor response.

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Mark-Up Version for Amendment Under 37 C.F.R. 51.312

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